HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No. 6606 of 2007

PETITIONER Laxminath Netam, S/o. Late Shri Bagla Ram; aged 48 years, working as Assistant Teacher, Primary School Katenar, Block Darbha; District Middle Bastar Chhattisgarh.

Versus

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Tribal Welfare Department, D.K.S. Bhawan, Mantralaya, Raipur Chhattisgarh
2. The Commissioner; Department of Scheduled Caste & Scheduled Tribes; Raipur Chhattisgarh
3. The Collector, District Middle Bastar, Chhattisgarh
4. The Assistant Commissioner; Department of Tribal Welfare Department, Jagdalpur; District Middle Bastar Chhattisgarh
5. Block Education Officer, Tribal Development, Block Darbha; District Middle Bastar, Chhattisgarh

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Presence :

Shri R.N. Jha & Rahul Jha, Advocates for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate for the State on advance copy.

ORAL ORDER
(15.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Assistant Teacher, has been transferred from Katenar to Badebadrenga, Bastar.

Learned counsel for the petitioner argues that the petitioner himself was wanting his transfer from Katenar and he filed a representation but he had prayed for particular place and instead of that place, he has been transferred to Badebadrenga on administrative grounds.

On being pointedly asked from learned counsel for the petitioner that since when the petitioner is working at Katenar. He submits that the petitioner is working there since 1995.

These are not the grounds for a court of law to interfere with the transfer of the employee.

The transfer is an incidence of service. Nobody working on a transferable post can claim for his posting at a particular place. Who should be posted where is to be seen by the employer which depends upon the administrative exigency as also public interest. Unless the order of transfer is shown to be vitiated by malafides, extraneous considerations or is shown to be passed against any statutory rule or the Act, the same cannot be interfered with by a Court of law, is the settled view of the Apex Court.

Learned counsel for the petitioner could not point out any such ground of malafide or of extraneous consideration or that the order has been passed against any statutory rule or the Act.

I do not find any reason to interfere with the order of transfer of the petitioner on this ground. The petition is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

vatti